

REMARKS

The Remarks set forth herein are identical to the Remarks set forth in the Response and Amendment filed on November 17, 2003 (*i.e.*, the subject of the Notice of Non-Compliant Amendment mailed on November 10, 2004). These Remarks have been included herein solely for the Examiner's convenience.

Claims 1-54 are currently pending in the instant application. Applicants note that a Preliminary Amendment was filed on January 23, 2002, along with the Reissue Application and related papers. Applicants have prepared this Response under the assumption that the Amendments to the claims and the specification set forth in the Preliminary Amendment have been entered. Claims 1, 20, 38, 40, 42, 44, 46, and 48-54 were amended in the Preliminary Amendment filed on January 23, 2002. The listing of claims presented above reflects the pending claims in the instant application as of the mailing date of the Office Action (*i.e.*, July 16, 2003). No amendments have been made herein to the pending claims.

The deletion of current Figures 11-16 are marked in red in the copy of these figures from printed patent 6,124,597 Applicant has provided herewith. New Figures 18-23 have been added. New Figures 18-23 are fully supported by Figures 11-16 as originally filed in U.S. Serial No. 08/889,017, on July 7, 1997, a copy of which application was appended to the Reissue Application, filed on January 23, 2002. Unfortunately, by clerical error, the wrong drawings of Figures 11-16 were filed as formal drawings during the prosecution of U.S.S.N. 08/889,017.

The correlation of the Cancelled/Marked-up FIGS. with the New FIGS. is detailed above on page 18 of this Response. Marked-up versions of Figures 11-16 as well as copies of New Figures 18-23 are also attached to the instant Response.

Applicants note that the specification has also been amended herein to ensure that the references and the descriptions of the figures provided throughout the instant specification correspond to the numbering of the New Figures (FIGS. 18-23).

Thus, no new matter has been added by the amendments presented herein.

Reissue Oath/Declaration

The Examiner has objected to the reissue oath/declaration filed with this application as "defective because it fails to identify at least one error which is relied upon to support the reissue

Amendments to the Drawings:

The attached drawing sheets include changes to FIGS. 11-16 as outlined in the Table below. New drawings, FIGS. 18-23, replace incorrect formal drawings (FIGS. 11-16) that were filed with the parent application at the time of Allowance. The informal drawings that were filed along with the parent application on July 7, 1997 match with the new drawings supplied herewith. The correlation of the Canceled/Marked-up FIGS with the New FIGS. is shown below:

Canceled/Marked-up FIGS.	New FIGS.
FIG. 11	FIG. 18
FIG. 12	FIG. 19
FIG. 13	FIG. 20
FIG. 14	FIG. 21
FIG. 15 a-b	FIG. 22 a-b
FIG. 16 a-b	FIG. 23 a-b

Attachment: Replacement Sheets of Drawings (FIGS. 18-23) (TAB 1)

Annotated Sheets of Drawings Showing Changes Made to FIGS. 11-16 (TAB 2)

application.” (Office Action at page 2). Specifically, the Examiner indicates that the “declaration must specifically point to a Figure, state where the error is in the Figure and specify what the correction is to that Figure.” (Office Action at page 2).

Applicants thank the Examiner for pointing out these deficiencies and for suggesting language for the Supplemental Reissue Application Declaration. Applicants resubmit herewith a Supplemental Reissue Application Declaration in compliance with 37 C.F.R. § 1.175. This Supplemental Reissue Application Declaration was initially submitted along with the Response and Amendment filed on November 17, 2003 and specifically points to the errors in the figures and specifies what the requested corrections are. Thus, Applicants contend that this objection is moot and should be withdrawn.

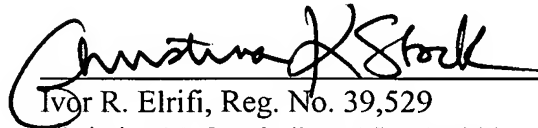
Claim Rejection

Claims 1-54 have been rejected under 35 U.S.C. § 251 as being based upon a defective reissue application. As noted above, Applicants submit herewith a Supplemental Reissue Application Declaration that complies with the requirements of 37 C.F.R. § 1.175. Thus, this rejection is moot and should be withdrawn.

CONCLUSION

On the basis of the foregoing amendments, Applicants respectfully submit that this reissue application is in condition for allowance. If there are any questions regarding these amendments and remarks, the Examiner is encouraged to contact the undersigned at the telephone number provided below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Christina K. Stock", is written over a horizontal line.

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Christina K. Stock, Reg. No. 45,899

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Cancelled/Marked-Up FIGS. 11-16

Title: Method and Devices for Laser Induced Fluorescence Attenuation Spectroscopy
U.S. Patent No.: 6,124,597 Issued: September 26, 2002

Agent: Mintz, Levin, Cohn, Ferris, Glovsky & Popeo, P.C.,
One Financial Center, Boston, MA 02111
Telephone: (617) 542-6000

Docket No. 26069-505 REI

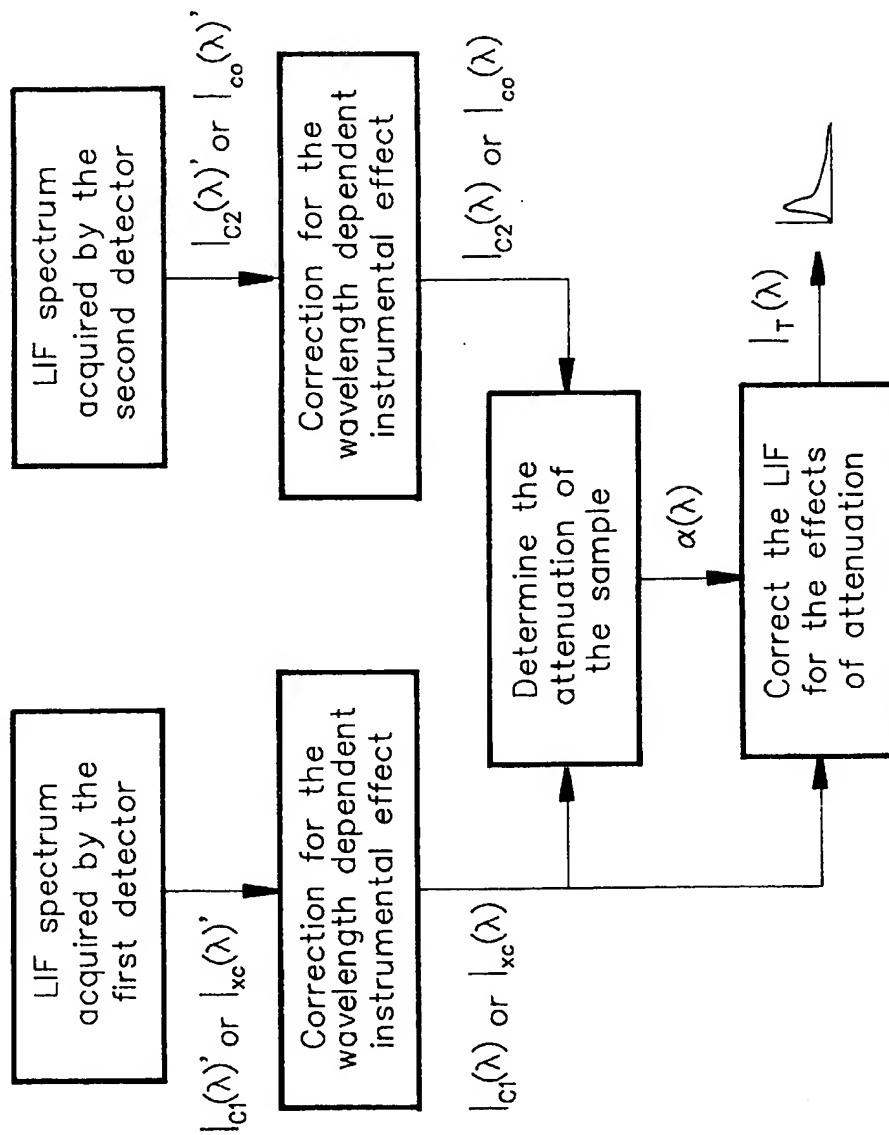
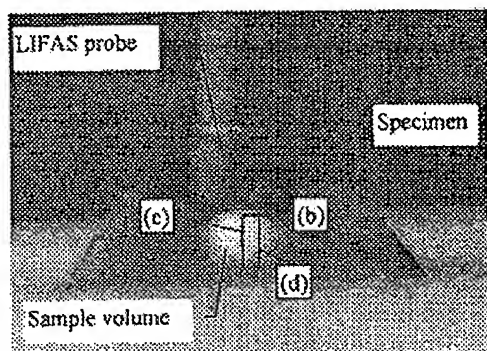
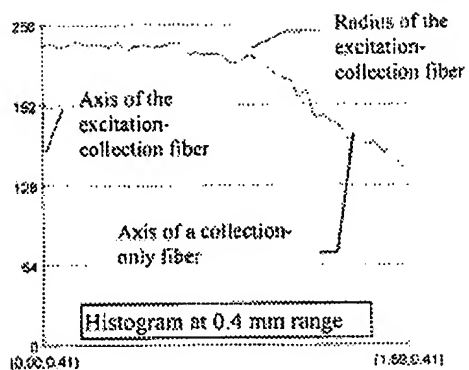


FIG. 11

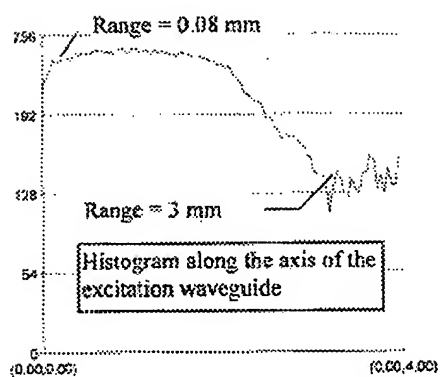
CANCELED



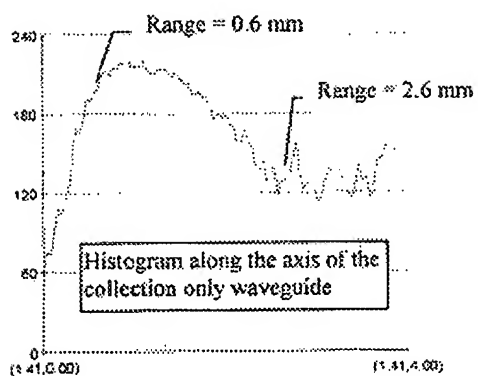
(a)



(b)



(c)



(d)

FIG. 12

CANCELED

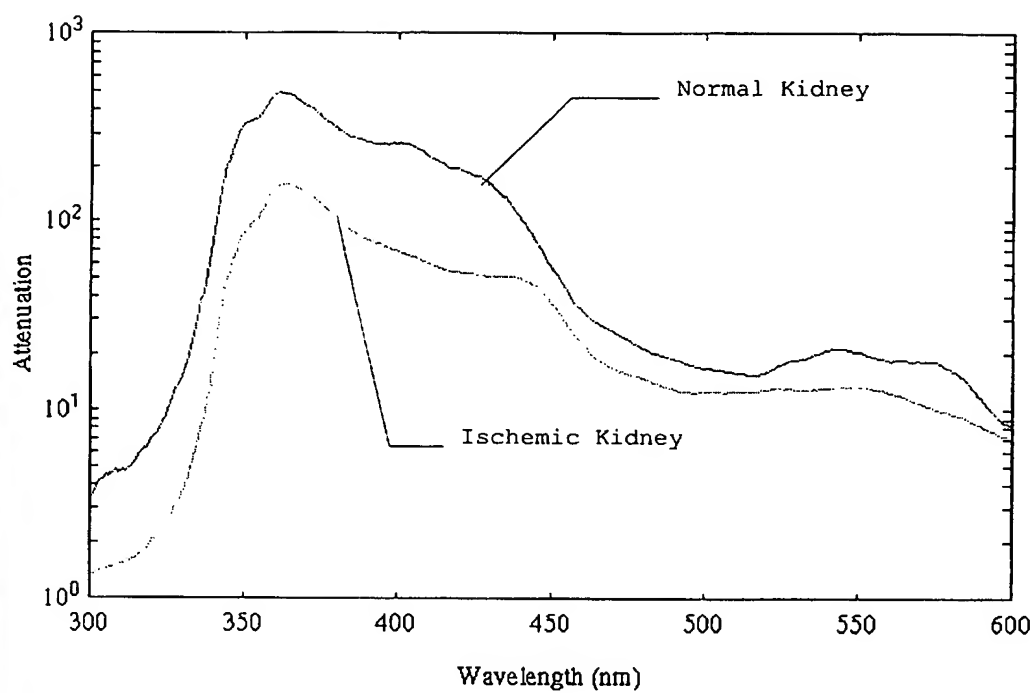
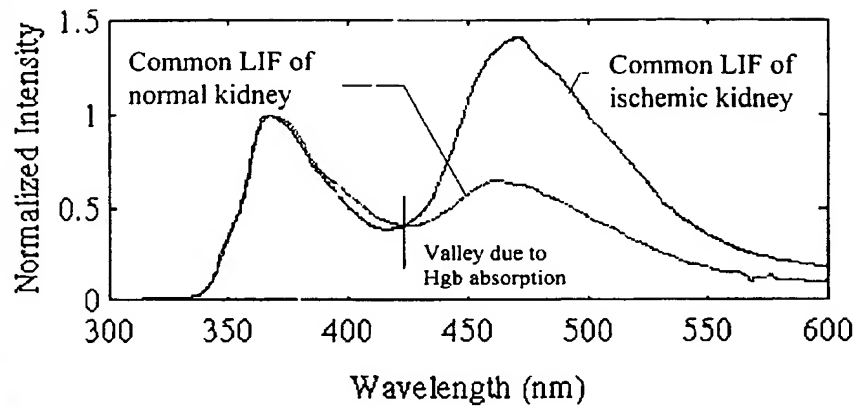
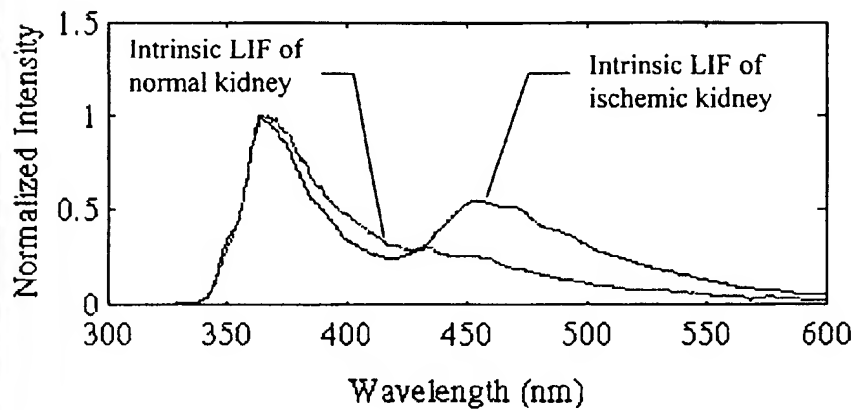


FIG. 13

CANCELED



(a)



(b)

FIG. 14

CANCELED

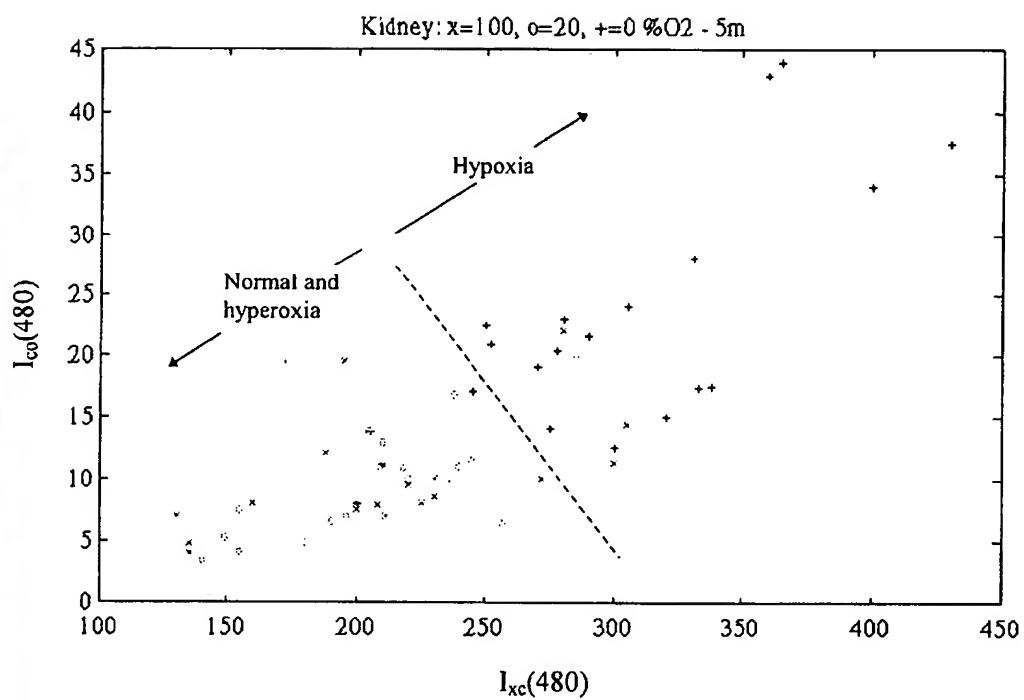


FIG. 15

CANCELED

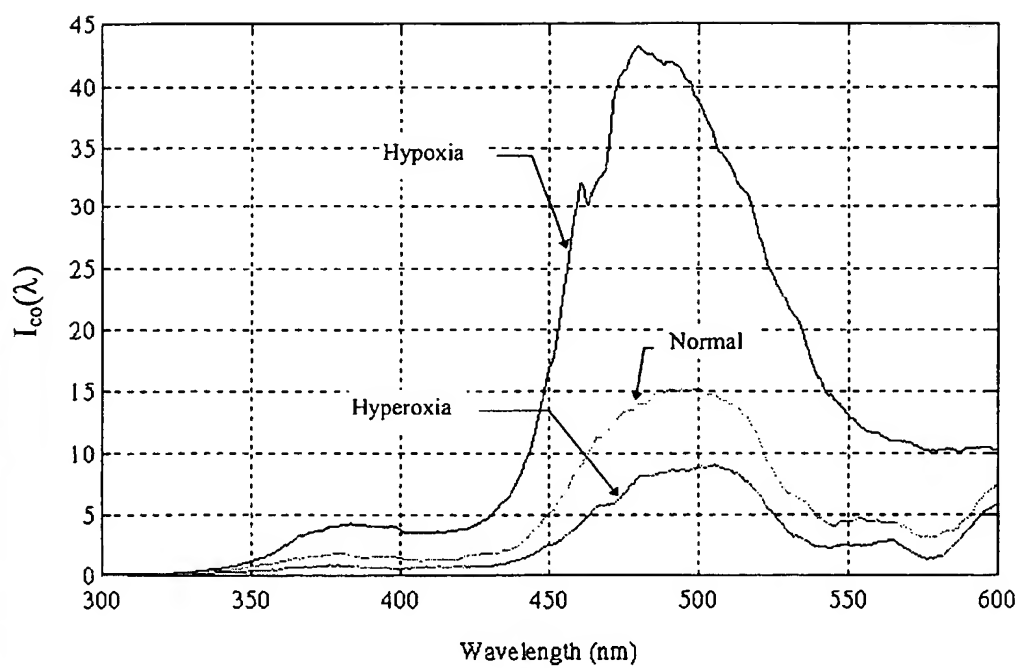


FIG. 16

CANCELED